

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

D.W., individually and on behalf of all others)
similarly situated,)
)
)
Plaintiffs,)
v.) Case No. 4:21-cv-00363-SRB
)
)
NEC NETWORKS, LLC.) Class Action
d/b/a CAPTURERX)
)
)
and)
)
)
WALMART INC.,)
)
)
Defendants.)

**DEFENDANT WALMART INC.’S UNOPPOSED MOTION TO ENLARGE PAGE
LIMIT**

Defendant Walmart Inc. (“Walmart”), by and through its undersigned counsel and pursuant to Local Rule 7.0, respectfully moves for an order enlarging the page limit for Walmart’s Suggestions in Support of its anticipated Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b). Walmart respectfully requests that the page limit set forth in Local Rule 7.0(d) be increased by ten (10) pages, for a total page limit of twenty-five (25) pages. Walmart has conferred with Plaintiff’s counsel, and Plaintiff’s counsel consents to Walmart’s requested enlargement of the page limits.

Good cause exists for Walmart’s request for a limited enlargement. Plaintiff filed a 38-page, 152-paragraph Complaint, asserting seven separate claims for relief based on or otherwise implicating state and federal statutes, as well as alleged common law duties. At present, Walmart anticipates moving to dismiss for lack of personal jurisdiction pursuant to Rule 12(b)(2), lack of subject matter jurisdiction pursuant to Rule 12(b)(1), and failure to state a claim pursuant to Rule 12(b)(6). In light of the length of the Complaint, the number of claims, and the multiple grounds

on which Walmart anticipates moving to dismiss, Walmart respectfully submits that the limited enlargement is necessary to ensure Walmart is able to adequately respond to the Complaint's allegations and set forth the grounds for its Motion to Dismiss.

A proposed order is being sent to Chambers contemporaneous with the filing of this motion.

ARMSTRONG TEASDALE LLP

By: /s/ Ramona Palmer-Eason

Ramona Palmer-Eason, #KS 001148
2345 Grand Boulevard, Suite 1500
Kansas City, Missouri 64108-2617
Telephone: 816.221.3420
Fax: 816.221.0786
rpalmereason@atllp.com

ALSTON & BIRD LLP

Kristine McAlister Brown
(admitted *Pro Hac Vice*)
kristy.brown@alston.com
GA Bar No. 480189
Donald MacKaye Houser
(admitted *Pro Hac Vice*)
donald.houser@alston.com
GA Bar No. 157238
1201 West Peachtree Street
Atlanta, GA 30309-3424
Telephone: (404) 881-7000

ATTORNEYS FOR DEFENDANT
WALMART INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 23, 2021, a true and correct copy of the foregoing document was filed electronically with the Clerk of the Court using the Court's CM/ECF filing system, which served electronic notice to all parties registered to receive such service.

/s/ Ramona Palmer-Eason

ATTORNEYS FOR DEFENDANT
WALMART INC.